

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
THOMASVILLE DIVISION

See back

KRISTAN BOWERS PHILLIPS)

Plaintiff)

v.)

CIVIL ACTION

FILE NO: 6:03-CV-42

LYNCH MANAGEMENT COMPANY,)

THOMASVILLE SALES COMPANY,)

CONNECTICUT GENERAL LIFE)

INSURANCE COMPANY, SIGNA)

HEALTHCARE and ERISA PLAN)

BENEFITS ADMINISTRATOR)

Defendants)

MOTION OF DEFENDANTS
CONNECTICUT GENERAL LIFE INSURANCE
COMPANY AND CIGNA HEALTHCARE OF GEORGIA, INC.
TO STAY DISCOVERY

Now come defendants CONNECTICUT GENERAL LIFE INSURANCE COMPANY (“Connecticut General”) and CIGNA HEALTHCARE OF GEORGIA, INC. (sued as “SIGNA Healthcare”) (“CIGNA”) (sometimes referred to hereinafter collectively as “the insurance defendants”), and file this motion to stay discovery. In support thereof, the insurance defendants show as follows:

1.

On August 22, 2003, plaintiff filed this action against the insurance defendants, as well as Lynch Management Company, Thomasville Sales

Company, and “E.R.I.S.A. Plan Benefits Administrator.” On August 28, 2003, plaintiff filed a second amended complaint. Plaintiff has been proceeding *pro se* since the inception of this litigation. On December 18, 2003, the summons and plaintiff’s second amended complaint were served on the insurance defendants.

2.

Based on plaintiff’s second amended complaint, it appears that he is asserting three causes of action:

(A) a cause of action pursuant to Title VII of the Civil Rights Act of 1964 (“Title VII”) for employment discrimination;

(B) a cause of action for violations of the Americans with Disabilities Act of 1990 (“the ADA”); and

(C) a cause of action for intentional infliction of emotional distress.

3.

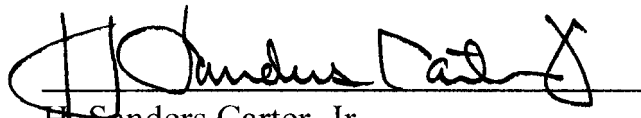
On January 7, 2004, the insurance defendants filed a motion pursuant to Fed. R. Civ. P. 12(b)(6) to dismiss plaintiff’s complaint as to them for failure to state a claim upon which relief could be granted.

4.

For the reasons set forth in the memorandum filed herewith, the insurance defendants show that discovery should be stayed until the Court rules on their motion to dismiss.

WHEREFORE, defendants Connecticut General Life Insurance Company and CIGNA Healthcare of Georgia, Inc. pray that their motion to stay discovery be granted and that discovery be stayed until the Court rules on their motion to dismiss.

This 29th day of January, 2004.

A handwritten signature in black ink, appearing to read "H. Sanders Carter, Jr.", written over a horizontal line.

H. Sanders Carter, Jr.
Georgia Bar No. 114100
Andrea K. Cataland
Georgia Bar No. 116282

Attorneys for Defendants Connecticut
General Life Insurance Company and
CIGNA Healthcare of Georgia, Inc.

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CERTIFICATE OF SERVICE

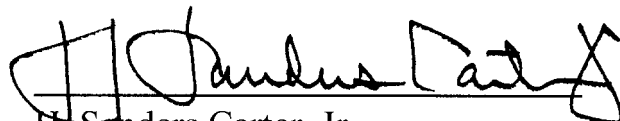
This is to certify that I have this date served the foregoing pleading on plaintiff and all counsel in the foregoing matter by depositing a copy of same in the United States Mail in a properly addressed envelope with adequate postage thereon as follows:

Kirsten Daughdril, Esq.
40 Capitol Square, SW
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John Holt, Esq.
P.O. Box 1479
Thomasville, GA 31799

Kristan Bowers Phillips
115 S. Pinetree Blvd., Apt. 606
Thomasville, GA 31792

This 29th day of January, 2004.


H. Sanders Carter, Jr.